IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21331 of 2004

Between:

V.Saya Raju @ Vadrevu Sai Raju, S/o Chinna Kamaraju, Retired Central Bank Employee,
R/o 6-1-474, Srinivasanagar Colony, Ramagiri, Nalgonda District

..... PETITIONER

AND

1 The Commissioner, Nalgonda Municipality, Nalgonda District
2 Ch.Sripathi Rao, S/o Kondal Rao, Ex-Patwari
R/o Srinivasanagar Colony, Ramagiri, Nalgonda District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus declaring the inaction of the 1st respondent herein in not removing the obstruction being created by the 2nd respondent on 30' wide dead end public street/ road in Srinivasanagar Colony, in front of the writ petitioner's house bearing No.6-1-474, Srinivasanagar Colony, Ramgiri, Nalgonda or otherwise not protecting said public road/ street from illegal encroachments and much less not performing their statutory obligations s contemplated U/s 171, 175, 176, 189 R/W 192 of A.P. Municipalities Act 1965 and rules made there under, as arbitrary, illegal, unjust and contrary to law and in violation of articles 14,21 and 300-A of Constitution of India and consequently seeking a direction to the 1st respondent to perform their statutory obligations to maintain 30' wide dead end public street/ road of Srinivasanagar Colony in front of petitioner's house and remove obstruction of whatsoever nature being created by the 2nd respondent or any other person/s of the locality on the said public street, in the interest of justice.

For the Petitioner: MR.B.VENKAT RAMA RAO, Advocate

For the Respondent No.1: MR.R.THIMMA REDDY, S.C. for Municipality

For the 2nd respondent : None appeared

The Court made the following at the stage of admission :

The petitioner herein challenges the inaction of the 1st respondent in not

taking action to prevent the 2nd respondent from encroaching the public road in front of the petitioner's house.

The petitioner is the owner of house bearing H.No.6-1-474, Srinivasanagar Colony, Ramagiri, Nalgonda District and there is a 30 feet wide dead end road in front of his house. According to the petitioner, the 2nd respondent has encroached the said public road and is constructing a compound wall therein. The grievance of the petitioner is that the 1st respondent is not taking any action to prevent the 2nd respondent from encroaching the public road and even the representations dated 26-10-2004 and 16-11-2004 made by the petitioner are not considered by the 1st respondent.

Heard the learned counsel for the petitioner and the Sri R.Thimma Reddy, learned standing counsel for the 1st respondent – Municipality.

Having regard to the fact that the representations filed by the petitioner are not yet considered by the 1st respondent, I deem it appropriate to dispose of the writ petition, at the stage of admission, with the following directions:

The 1st respondent is directed to consider the representations of the petitioner dated 26-10-2004 and 16-11-2004, and pass appropriate orders in accordance with law, after giving notice to the petitioner and the 2nd respondent.

The writ petition is accordingly disposed of. No costs.

_____ 22-11-2004

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Note:

C.C by tomorrow

B/o

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To

1 The Commissioner, Nalgonda Municipality, Nalgonda District
2 Two C.D. copies